

TESTIMONY OF EMMETT MCGROARTY

before the

MICHIGAN HOUSE EDUCATION COMMITTEE

March 20, 2013

I am an attorney and a senior fellow at the American Principles Project. I am testifying in favor of HB4276. Specifically, I am testifying about (a) the process issues underlying the Common Core Standards development, and (b) how that process will affect the ability of Michigan to chart its educational course.

1. Alignment of Federal and Private Agenda

The Common Core arose from grants by the Bill and Melinda Gates Foundation to the National Governors Association, the Council of Chief State School Officers (Council of Chiefs), and Achieve, Inc. Those entities began preparing for a national standards push in 2008, perhaps earlier, with the idea of creating a uniform national education system. As Bill Gates described it to the National Conference of State Legislators, the idea is that, "When the tests are aligned to the common standards, the curriculum will line up as well..."¹ At the time, CCSSO President-elect Sue Gendron, who is now policy adviser and coordinator for the SMARTER Balanced Assessment Consortium, described the initiative as "transforming education for every child."²

In a December 2008 policy paper, called *Benchmarking for Success* paper, NGA and Council of Chiefs laid out the essentials of a program designed to usher in national standards. The incoming presidential administration adopted the essential aspects of that plan, and it became known as Race to the Top. In a February C-SPAN interview, Education Secretary Arne Duncan even said that, through the Race to the Top program, he wanted to be the catalyst to bring about common standards, and in so doing he expressly lauded the work of "great outside partners Achieve [and] the Gates Foundation."

The Department funded Race to the Top with money from the 2009 Stimulus bill. Although it did not write the standards, the federal Department of Education made the adoption of the Common Core and the aligned national tests essentially a performance condition of receiving a Race to the Top grant.

¹ <http://www.schoolsmatter.info/2009/07/gates-on-alignment-of-common-core.html>.

² See NGA press release (June 1, 2009).

http://www.nga.org/cms/home/news-room/news-releases/page_2009/col2-content/main-content-list/title_forty-nine-states-and-territories-join-common-core-standards-initiative.html (last accessed on April 23, 2012).

At that point, the Standards had not been developed. Nonetheless, its propagators had the sales slogans in place. The Standards would be “fewer, clearer, deeper,” rigorous, college-ready, state-lead, and internationally bench-marked. NGA and the Council of Chiefs retained Achieve to write the Standards. As other witnesses will attest, the Common Core did not live up to its promise.

In 2009, Education Secretary Arne Duncan then hired Margot Rogers --the Gates Foundation’s Deputy Director of Education-- as his chief-of-staff.³ Michael Petrilli of Fordham Institute, a Gates Foundation grantee and Common Core proponent admitted, “It is not unfair to say that the Gates Foundation’s agenda has become the country’s agenda in education.”⁴ To date, the Gates Foundation alone has spent over \$160 million to develop the Common Core and to generate support for it among business leaders, trade groups, professional associations and state governments.⁵

2. The Common Core Developers and the States Under Pressure

It is important to note that, despite their names, NGA and the Council of Chiefs are private entities. They do not have a grant of authority from any state. As private-groups, there were no requirements that the process be subject to open meetings, open records, or other safeguards of the people’s will and rights. Initially, they did not even release the names of those writing the standards.

In December 2009, Bill Evers and Ze’ev Wurman wrote that the Race to the Top timeline “raises deep concerns about whether the public and the states can provide in-depth feedback [and] whether standards that are of high quality can possibly emerge from the non-transparent process....” The lack of transparency was not limited to the public. Sandra Stotsky, a member of the Common Core’s Validation Committee, has noted that even though committee members repeatedly requested the list of countries the standards were supposedly benchmarked to, they never received it. Likewise, she reports that they were not given citations to the academic authorities supposedly undergirding the Standards.

The states were under intense pressure to sign on to the Common Core in time to be eligible for the Race to the Top money. The consensus view was that they faced fiscal and economic doom and that the Stimulus Bill would be their lifeline. Secretary Duncan argued that without the

³ Bloomberg Businessweek, July 15, 2010 (at www.businessweek.com/magazine/content/10_30/b4188058281758.htm).

⁴ *The Puget Sound Business Journal*, May 17, 2009 (<http://www.bizjournals.com/seattle/stories/2009/05/18/story2.html?page=all>). The Fordham institute itself has received nearly \$3 million in Gates Foundation grants.

⁵ Joy Pullman, *School Reform News*, Feb. 11, 2013 (<http://news.heartland.org/newspaper-article/2013/02/11/education-policies-led-gates-not-states>). Grant summaries can be accessed at <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database>.

Stimulus money “hundreds of thousands of teachers could be collecting unemployment instead of teaching in classrooms,” an argument repeated by other Administration officials such as Budget Director, Peter Orszag. To compound that, at the outset of 2010 the Department of Education stated its intention that “Beginning in 2015, **formula funds will be available only** to states that are implementing assessments based on college and career ready standards that are common to a significant number of states.”⁶

States had to submit their Race to the Top applications by June 1, 2010. NGA issued the final K-12 Common Core standards on June 2, 2010. Applicant states had until August 2, 2010 to amend their submissions to demonstrate their formal adoption of the standards. Thus, in order to compete in Race to the Top, Michigan adopted the Common Core on June 15, 2010 –less than two weeks after the release of the final draft of the Standards.

3. Implications of Common Core Adoption

States that have joined the Common Core consortium have promised to adopt the Standards in full. They may add a little material as long as it does not exceed 15% of a content area – but that added amount will not be on the standardized tests. And because teachers’ evaluations will be tied to those tests, they will unlikely spend valuable class time on that content.

The Standards are owned by the private interests that created them. Those entities have copyrighted them and attached a disclaimer of liability on them. A parent or teacher who sees that a particular standard is not working in the classroom will have no one to call to ask for changes. Neither the principal nor the superintendent nor the local school board nor the state school board nor the state school superintendent nor the legislators nor the governor will have the power to make any changes.

Looking ahead, states face a difficult battle to prevent further erosion of their sovereignty. The Common Core owners received tens of millions of dollars from private entities. They will likely be more responsive to those groups and the federal government than to individual states. All this raises questions about how decisions will be made, who will make them, and how a state will be able to protect the interests of its children. Moving forward, decisions will have to be made about numerous issues including:

- 1) Researching, evaluating, and validating the standards and the assessments. Who will do this and determine, for example, whether a given set of results is a fair assessment of Michigan students?
- 2) Updating and revising the standards.

⁶ *ESEA Blueprint for Reform*, at pp. 11-12, U.S. DEP’T OF EDUC., OFFC. OF PLANNING, EVALUATION AND POLICY DEVELOPMENT, Washington, DC, 2010. Available at <http://www2.ed.gov/policy/elsec/leg/blueprint>.

- 3) Ensuring that from state to state, assessments are given within the same time frame so that no one state has the advantage of administering its tests after the other states.
- 4) Coordinating state academic calendars so that states do not suffer for having had less instructional time under their belts at the time of the assessments.
- 5) Coordinating and enforcing instructional time so that states do not “game the system” by de-emphasizing other subjects in order to out-perform on ELA and math.
- 6) Responding to parental concerns and complaints, especially with respect to issues of bias and testing philosophies.
- 7) Adding new subjects.

These issues have not been worked out. Even if states are represented in the governance structure, how will the interests of small states and large states be balanced? By what margins will decisions have to pass? And how will states protect the interests of parents and students?

In taking a closer look at the many ramifications of adopting the Common Core standards and the aligned assessments, you are joining the growing list of other states that are beginning to re-assert their constitutional authority over education. The stakes could not be higher -- the future of our children's education hangs in the balance.

4. Conclusion

The next two witnesses will testify on the failure of the Common Core to fulfill its promised quality and on some of the cost implications to Michigan. Those defects are the natural consequence of a process that failed to give due respect the People and their legislators. Going forward, those problems remain and will fester.